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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,078	11/26/2004	Roland Busses	BIG01 P498	5861
277	7590	03/06/2006	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP			BECKER, DANIEL I	
695 KENMOOR, S.E.			ART UNIT	
P O BOX 2567			PAPER NUMBER	
GRAND RAPIDS, MI 49501			3644	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/500,078	BUSSES, ROLAND	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel I. Becker	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06232004</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains legal phraseology, does not appear on a page by itself, and contains more than 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

3. Claims 32, 52, 72 recite the limitation "each" in reference to an unspecified "bridging element." There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 20-22, 28-35, 40-42, 48-55, 60-62, and 68-75 are rejected under 35

U.S.C. 102(e) as being anticipated by Steudler, Jr. et al. USPN 6,655,317 B1.

6. For Claims 20, 40, and 60, Steudler, Jr. et al. recite the claimed invention, a device with at least one feed delivery pipe (12) held above a floor of the coop, the pipe having at least one aperture (column 2, line 34), comprising: a bowl device configured to be suspended on the feed delivery pipe (12), the bowl device including a feed bowl (22) located beneath a downpipe (24), the bowl device (22) further including a cupola (48) formed from grid bars (54) in spoke fashion, wherein the downpipe (24) comprises an inner cylinder (24) configured to depart from the aperture and an outer cylinder (40) encompassing the inner cylinder (24), on which the bowl (22) is suspended by the grid bars (54) of the bowl cupola (48) in such a way that, when the feed delivery pipe (12) is lowered, the bowl (22) comes to rest on the floor of the coop, wherein the outer cylinder (40) is guided in a rotatable manner as well as in a raisable and lowerable manner on the inner cylinder (24), and at least one lifting stop (24b) is provided for delimiting a lifting and lowering path of the bowl; wherein the downpipe (24) includes at least one rotational stop (38) delimiting a rotational path of the outer cylinder (40) in relation to the inner cylinder (24).

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7. For Claims 21, 41, and 61, Steudler, Jr. et al. recite the claimed invention, wherein each rotational stop (38) features at least one elevation, arranged in a predetermined area of the outer surface of the inner cylinder (24) and at least one driver dog (42) located on the inner surface of the outer cylinder (40), into the rotational path of which, at the rotation of the outer cylinder (40) about the inner cylinder (24), the elevation projects.

8. For Claims 22, 42, and 62, Steudler, Jr. et al. recite the claimed invention, wherein: a predetermined area of the outer surface of the inner cylinder (24) in its upper head part is offset in relation to a remaining portion of the inner cylinder as a result of reduced cylinder diameter.

9. For Claims 28, 48, and 68, Steudler, Jr. et al. recite the claimed invention, wherein: the outer cylinder (40) and the inner cylinder (24) is comprised in each case of adjacent cylinder sections co-axial to each other, whereby face peripheral areas of the cylinder sections turned towards each other are connected to one another by bridging (38, 42) elements which bridge a gap area which corresponds to an interval distance between the cylinder sections.

10. For Claims 29, 49, and 69, Steudler, Jr. et al. recite the claimed invention, an end-side cylinder section of the inner cylinder (24) covers the gap area between the cylinder sections of the outer cylinder (40), when the outer cylinder (40) is moved by the raising of the feed delivery pipe (12) into a position which is lowered in relation to the inner cylinder (24), in which lifting stops (24b, 40a, column 3, lines 54-57) of the inner cylinder (24) and the outer cylinder (40) are in mutually opposed positions.

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11. For Claims 30, 50, and 70, Steudler, Jr. et al. recite the claimed invention, wherein the lifting stop (24b) comprises a recess (40a) in the cylinder inner surface of the outer cylinder (40) and at least one abutment shoulder (24b) for the recess projecting radially from the inner cylinder (24). It should be noted that element 13 recited to be a "recess" is not a "recess" per se, as a recess is defined to be an indentation, suggesting a discontinuity in an otherwise continuous surface, not a lip or edge that is perfectly flush with the bottom of a cylinder, as is the case with element 13 of the claimed invention. Inasmuch that 13 of the claimed invention is a "recess", so is part 40a of the invention of Steudler.

12. For Claims 31, 51, and 71, Steudler, Jr. et al. recite the claimed invention, wherein each abutment shoulder (24b) for the recess (40a) is a part of a radial projection (lower part of 24, terminating at 24a) in a form similar to a collar flange.

13. For Claims 32, 52, and 72, Steudler, Jr. et al. recite the claimed invention, wherein each bridging element (54) is a flat web, of which a web surface plane is aligned radially to the axis of the individual inner cylinder (24) or outer cylinder (40) in each case.

14. For Claims 33, 53, and 73, Steudler, Jr. et al. recite the claimed invention, wherein the bridging elements (54) of the outer cylinder (40) comprise paddles or vanes projecting over a periphery (52) of the outer cylinder (40) into the feed bowl (22).

15. For Claims 34, 54, and 74, Steudler, Jr. et al. recite the claimed invention, wherein the feed bowl (22) includes a feed plate (area between base of 22b and edge 22a), which in an area of its plate edge (22a) includes connecting elements (56, 22d) for connecting to the bowl cupola (48).

16. For Claims 35, 55, and 75, Steudler, Jr. et al. recite the claimed invention, wherein the connecting elements (56, 22d) include a flap joint (22d, Fig. 2) and at least one locking or retaining element (56).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 23-27, 43-47, and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steudler, Jr. et al as applied to claim 20 above in view of Swartzendruber USPN 4,476,811.

19. For Claims 23, 43, and 63, Steudler, Jr. et al. recite the claimed invention, except wherein: the outer surface of an upper cylinder section of the outer cylinder (40) includes a threaded spindle, and that free ends of the grid bars of the bowl cupola are connected to a screw ring, which is screwed onto an area of the outer cylinder having the threaded spindle. In Steudler, Jr. et al., the outer cylinder (40) includes a stepped path (44) allowing for height-adjustment of the cupola (48) relative to the outer cylinder

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by rotating the cupola about the outer cylinder (40). Swartzendruber recites a feeder whose outer surface of an upper cylinder section of the outer cylinder (52) includes a threaded (54,55) spindle, and that free ends of the grid bars (66) of the bowl cupola (60) are connected to a screw ring (56,50,51), which is screwed onto an area of the outer cylinder (52) having the threaded spindle (54,55). The stepped path of Steudler, Jr. et al, and the threaded connection recited by Swartzendruber are functional equivalents, rotation between the outer cylinder and the cupola resulting in a height change between the two. It therefore would have been obvious to one of ordinary skill in the art at the time the invention was made to use a threaded spindle on the outer cylinder (40) of Steudler and a screw ring on the cupola (48) of Steudler to facilitate a height-adjustment of the cupola (48) and bowl (22) with rotation of the outer cylinder (40) of Steudler because a stepped ring and a threaded spindle are functional equivalents capable of causing height adjustment between the cupola and outer cylinder with rotation of the parts relative to one another.

20. For Claims 24, 44, and 64, Steudler, Jr. et al. in view of Swartzendruber recite the claimed invention, wherein the outer cylinder (52) features at least one spring-elastic engagement cam (59) in an area defined by the threaded spindle.

21. For Claims 25, 45, and 65, Steudler, Jr. et al. in view of Swartzendruber recite the claimed invention, wherein each engagement cam (59) comprise an engagement cam (59) which is spring-elastic in a radial direction.

22. For Claims 26, 46, and 66, Steudler, Jr. et al. in view of Swartzendruber recite the claimed invention; a screw ring (56,50,51) of the bowl cupola (60) includes cut-outs



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(69) on its inner circumference surface, with which the engagement cams (59) are capable of engaging with positive fit.

23. For Claims 27, 47, and 67, Steudler, Jr. et al. in view of Swartzendruber recite the claimed invention, wherein the engagement cams (59) and the cut-outs (69) include run-in flanks arranged obliquely to the direction of rotation.

24. Claims 36-39, 56-59, and 76-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steudler, Jr. et al as applied to Claim 20 above in view of Van Zee et al. USPN 5,097,797.

25. For Claims 36-38, 56-58, and 76-78, Steudler, Jr. et al. recites the claimed invention, wherein a ring surface of the feed plate (area between base of 22b and edge 22a) runs around a plate center, which is configured to be located beneath the downpipe (24), but not that the feed plate is subdivided into feeding sections, wherein each feeding section comprises at least one pocket delimited by depression or elevation, and that the number of feeding sections equals a multiple of the number of bridging elements of the outer cylinder.

Van Zee recites a feeder featuring a feed plate (76) subdivided into feeding sections (between adjacent 80s). The feeding sections divide up the feed into easily accessible regions, delimiting small piles. Van Zee also recites that each feeding section (between adjacent 80s) comprises at least one pocket delimited by depression or elevation (80), and that the number of feeding sections equals a multiple of the

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number of bridging elements of the outer cylinder, wherein Van Zee shows 16 of each in Figure 7.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply feeding sections delimited by depression or elevation to the feed plate of Steudler, Jr. et al. in a quantity equal to a multiple of the amount of bridging elements (such as 15 in Figure 13 of Steudler) because separate feeding sections better organize poultry feeding about a feeder, so they knock into one another less often and bruise one another less while getting their fair share of the available food, and also because having amount of feeding sections as a multiple of the bridging elements (72) results in the same amount of poultry attempting to feed at each section (between adjacent 80s) since they have to poke their heads through the bridging elements (72) of Steudler in at least one embodiment.

26. For Claims 39, 59, and 79, Steudler, Jr. et al. in view of Van Zee et al. recite the claimed invention, wherein the bridging elements (54) comprise paddles or vanes.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Becker whose telephone number is 571-272-8206. The examiner can normally be reached on 8a-5p M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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